

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AVERY JAMES HARDAWAY : CIVIL ACTION
v. :
: NO. 24-1841
:
PHILADELPHIA POLICE :
DEPARTMENT, PHILADELPHIA :
FIRE DEPARTMENT, PRO-EMS :
REGIONAL OFFICE EMERGENCY :
MEDICAL SERVICES :
:

ORDER

AND NOW, this 6th day of May 2024, upon reviewing the pro se amended Complaint (ECF No. 7) after granting leave to proceed without paying filing fees (ECF No. 5) consistent with our obligations set by Congress to screen under 28 U.S.C. § 1915(e)(2)(B), noting Plaintiff identifies the basis for our jurisdiction as a federal question based on conduct relating to Philadelphia first responders failing to respond to 911 calls but failing to plead our limited subject matter jurisdiction as we lack diversity and the Plaintiff does not identify a federal question, and for reasons in today's accompanying Memorandum, it is

ORDERED:

1. The amended Complaint (ECF No. 7) is **DEEMED** filed;
2. We **DISMISS** Plaintiff's amended Complaint (ECF No. 7) for lack of subject matter jurisdiction with leave to file a second amended Complaint (but the first one filed after this Order) if Plaintiff can plead a federal question under the law in a second amended Complaint filed no later than **May 24, 2024**; and,
3. We will direct the Clerk of Court to close this case without prejudice to timely seek relief in state court if Plaintiff does not timely file a second amended Complaint.



KEARNEY, J.